Gazette No. 44 dated 8th November 1955.

PART I

NOTIFICATION

No. L. Dis. 23092|54|DD. *18th October 1955.*

The award of the Industrial Tribunal, Trivandrum in respect of the dispute between The Management of Vadakkemala Estate, Mundakayam (Proprietor, Sri K. V. George, Pottankulam) and their workmen represented by the Regional Organiser, Estates Staff's Union of South India, Kottayam received by Government on 14-10-1955 is hereby published under Section 17 of the Industrial Disputes Act 1947 (Central Act XIV of 1947).

By order of His Highness
the Raj Pramukh,
V. V. JOSEPH,
Secretary to Government.

Government Secretariat,
Development Department,
Labour Section,
Trivandrum.

Before

SRI K. N. KUNJUKRISHNA PILLAI, B. A., B. L.,
Industrial Tribunal, Trivandrum.

INDUSTRIAL DISPUTE No. 70 OF 1954

Between

THE MANAGEMENT OF VADAKKEMALA ESTATE, MUNDAKAYAM (PROPRIETOR SRI K. V. GEORGE, POTTANKULAM)

And

THEIR WORKMEN

Represented by

THE REGIONAL ORGANISER, ESTATES STAFF'S UNION OF SOUTH INDIA, KOTTAYAM.

REPRESENTATION:

Sri K. V. George	Proprietor, Vadakkemala Estate, Mundakayam, Pottankulam, on behalf of management.
Sri K. Bhanu	Regional Organiser, Estate Staff's Union of South India, Kottayam, on behalf of workmen.

AWARD

The dispute between the above parties was referred by Government in their Order L4-23092|54|DD dated 29-11-1954 and it was registered as Industrial Dispute No. 70 of 1954. The Regional Organiser, Estate Staff's Union of South India (which

will be mentioned as Union hereinafter) has filed statement on 29-12-1954 and Sri K. V. George, Proprietor of Vadakkemala Estate (who will be mentioned as Proprietor) has filed reply on 25-3-1954. The Union has examined 2 witnesses and filed Ext. A to Ext. H and on behalf of Proprietor EW1 was examined and Ext. I filed. The issues to be decided are:—

"Whether the non-employment of conductor Sri N. A. Eapen is justifiable?".

2. To what relief is he entitled:

(a) if the non-employment is justifiable?

(b) If the non-employment is not justifiable?

2. Sri Eapen was the writer in the Vadakkemala Estate owned by the Proprietor and he has applied for a month's previlege leave on 29th October 1953. According to the Union, leave was sanctioned and he has availed one month's leave from 14-12-1953 and returned on 12-12-1953 to join duty. Employment was refused to him. According to the Proprietor Sri Eapen availed the leave from 30-10-1953 and instead of returning after leave on 30-11-1953, he has returned only on 12-12-1953 and thus absented himself without leave for about 2 weeks. Due to heavy pressure of work, the Proprietor had appointed another person in the place and hence it is contended that the Proprietor had not discharged Sri Eapen but he left the job of his own accord by absenting himself without leave.

3. Thus the only question to be decided in this case is whether Sri Eapen absented himself without leave and if so whether he was given sufficient opportunity to explain the grounds of absence.

4. It is admitted by Sri Eapen that he applied for a month's previlege leave on 29-10-1953 but he could avail the leave only from 14-11-1953. To prove this, the Union relied on Ext. A and Ext. B and deposition of WW2. WW2 is Sri K. K. Abraham who, was the office writer during the period. He swears "29–10–1953–ൽ N. A. Eapen ഒരുമാസത്തെ leave ന് അപേക്ഷിച്ചു. അന്നുതന്നെ leave sanction ആയില്ല. [illegible] ബാക്കിയെല്ലാം കൊടുത്തു November 12–ാം തീയതിയാണ്. Ext. A മറുപടി ഞാൻ കൊടുത്തതാണ്. ഇതിൽ കാണുന്ന ഒപ്പ് എന്റെതാണ്. November 14–ാം തീയതിയാണ് leave sanction ആയതു. ഇദ്ദേഹം ഉപയോഗിച്ചിരുന്ന tools എല്ലാം ഇദ്ദേഹം തന്നെയാണ് ഏല്പിച്ചത്. അതിന് Ext. B എന്ന് മാർക്കുചെയ്തു. ഇതിൽ കാണുന്നതു ഞങ്ങളുടെ ഒപ്പാണ്. December 12–ാം ഇദ്ദേഹം തിരിച്ചുവന്നു." The deposition of WW2 stands uncross-examined and hence I believe it. This is corroborated by Ext. A which is a letter written by Sri Eapen to WW2, Sri Abraham dated 11-11-1953 with the reply by WW2 to Sri Eapen. Sri Eapen has sent the letter to Sri Abraham, the office writer, requesting the latter to send per bearer the arrears of his pay. To this, Mr. Abraham replied on 11-11-1953 that the amount could not be sent per

bearer but that Sri Eapen himself should go over te the office to receive the amount. Ext. II dated 14-11-1953 is the receipt signed by Ellikal Thomas for receiving the tools from Sri Eapen. The tools in the possession of Sri Eapen were handed over to the watcher as per instruction on the date of availing the leave. If Sri Eapen availed leave from 30-10-1953 as contended by the management, why should the tools be given to the watcher after 14 days *i.e.*, on 14-11-1953? There is absolutely no reason to disbelieve Ext. II. The management has not adduced any evidence to prove their contention. The interested testimony of Sri K. V. George as EW1 and Ext. I cannot be relied on in the absence of independent evidence. It is seen that in Ext. I leave was sanctioned on 29-10-1953. But it was produced by EW1 on the date of his examination. As such, Ext. I cannot be relied on. I completely rely on the deposition of WW2 and Ext. A and Ext. B, and come to the irresistible conclusien that Sri Eapen had availed leave only from 14-10-1953 for one month and he had returned on 12-11-1953 to rejoin work. Ext. C to Ext. E (4) are the letters between the Union and the Proprietor regarding the reinstatement of Sri Eapen. Ext. F dated 26-7-1954 is the letter from the Assistant Labour Commissioner to the partics for conciliation conference to be held en 2-8-1954. Ext. G is the letter from Labour Commissioner to the parties for attending a conciliation conference on 21-10-1954. From those letters, it is clear that the attitude adopted by the Proprietor is highly unbecoming of an employer and was highly unhelpful even for the Labour Department in the attempt to settle the dispute. Hence, it is clear from the evidence that the refusal of employment to Sri Eapen after his return frem leave is highly arbitrary and stand unjustified and hence I decide the issue against the Proprietor. This action of the Proprietor comes under the exceptions laid down by the Labour Appellate Tribunal in the Buckingham Carnatic Mills Case. Hence the natural and only remedy is reinstatement with back wages. Sri Eapen should be reinstated in his original place on the same salary and allowance he was getting on 29-10-1953. He should be reinstated forthwith and till the date of reinstatement he should get his salary with allowance. He is entitled to get salary from 14-12-1953 till the date of reinstatement.

5. Mr. Bhanu would press for the cost also. It was strengly urged by Mr. Bhanu that the correspondence between the Union and the Proprietor weuld show the cantankerous attitude of the Proprietor. It is evident from the Order Sheet that the Proprietor was mainly responsible for the delay in the proceedings. It is also in evidence that he did not attend the Conciliation conference convened by the authorities. The peculiar facts in this case drive me to the conclusion that this is a fit case fer awarding costs eventhough, generally, I do not do so. The dispute was posted several times at my Camp Court at Ernakulam, Alleppey and twice the Proprietor was declared exparte due to his failure to prosecute the proceedings. Hence, I award costs equal to Rs. 150 to the Union.

The arrears of salary and costs are to be paid within 2 weeks from the date of publication of this Award in the Gazette. This award takes effect from the date of publication according to Section 17 of the Act.

Trivandrum,
13-10-1955.

K. N. KUNJUKRISHNA PILLAI,
Industrial Tribunal.

Appendix

Worker's Witnesses.

1. Sri Eapen.
2. Sri K. K. Abraham.

Employer's Witness.

1. Sri K. V. George.

Exhibits filed on behalf of workman.

A. Letter from N. A. Eapen to Sri Abraham and the reply from Sri K. K. Abraham on 11-11-1953.

B. Receipt given by Sri Thomas receiving the tools on 14-11-1953 from writer.

C. Letter from the Regional Secretary, Estate Staffs' Union of South India to Sri K. V. George, Pottamkulam, Eastern Velenilam dated January 28, (copy).

D. Letter from the Regional Organiser, Estates Staffs' Union of South India to Sri K. V. George, Pottamkulam dated April 5 (copy).

E1. Letter from Sri K. V. George, Pottamkulam to the Regional Organiser, The Estates Staff's Union of South India, Kottayam dated 12th April 1954.

E2. Letter from Sri K. V. George, Pottamkulam to the Regional Secretary, The Estates Staff's Union of South India, Kottayam dated February 9th 1954.

E3. Letter from Sri K. V. George, Pottamkulam to the Hon. Secretary, Estates Staffs' Union of South India, Mundakayam Branch dated 2nd January 1954.

E4. Letter from Sri K. V. George, Pottamkulam to the Hon. Secretary, Estates Staffs' Union of South India, Mundakayam Branch dated 26-12-1953.

F. Letter from the Asst. Labour Commissioner to The Regional Secretary, ESUSI, Kottayam dated 26-7-1954.

G. Letter from the Labour Commissioner to the President, Estates Staffs' Union of South India, Kottayam dated 18th October 1954.

H. Letter from the Labour Commissioner to the President, Estates' Staffs' Union of South India, Kottayam dated 9th October 1954.

Exhibits filed on behalf of management.

I. Leave application from Sri N. A. Eapen, Writer to Sri K. V. George, Pottamkulam, Koottikal dated 29-10-1953.

Gazette No. 44 dated 8th November 1955.
PART II

NOTIFICATION.

L.A. 4-795/55 *19th October 1955.*

The following Bill was introduced in the Travancore-Cochin Legislative Assembly on the 19th October 1955.

Legislature Secretariat,
Trivandrum.

V. KRISHNAMOORTHI,
Secretary, Legislative Assembly.

THE COCHIN CO-OPERATIVE LAND MORTGAGE BANK ACT (AMENDMENT) BILL.

Preamble. Whereas it is deemed necessary to amend the Cochin Co-operative Land Mortgage Bank Act, XXV of 1111, for the purpose hereinafter appearing,—

It is hereby enacted as follows:—

1. *Short title and commencement.* (i) This Act may be called the Cochin Co-operative Land Mortgage Bank (Amendment) Act, 1955.

(ii) It shall come into force at once.

2. Section 2 of the Cochin Co-operative Land Mortgage Bank Act, XXV of 1111 may be recast as follows:—

"It extends to the whole of the Trichur District of the Travancore-Cochin State comprising the taluks of Chittur, Talapilly, Trichur, Mukundapuram, Cranganore, Parur, Kunnathunad and Cochin-Kanayannur."

STATEMENTS OF OBJECTS AND REASONS.

The Cochin Co-operative Land Mortgage Bank Act XXV of 1111 extends to the whole of erstwhile Cochin State. At present the activities of the Cochin Co-operative Land Mortgage Bank is throughout Cochin area. Parur and Kunnathunad Taluks have been included in the Trichur District. The object of the Bill is to extend the activities of the Land Mortgage Bank to the whole of Trichur District.

M. A. ANTONY.

Gazette No. 44 dated 8th November 1955.
PART II

NOTIFICATION.

LA. 4-768/55. *19th October 1955.*

The following Bill was introduced in the Travancore-Cochin Legislative Assembly on the 19th October 1955.

Legislature Secretariat,
Trivandrum.

V. KRISHNAMOORTHI,
Secretary, Legislative Assembly.

THE TRAVANCORE-COCHIN ARTISANS' PROTECTION BILL.

(An Act to regulate the work of and labour in and to provide safeguard measures in respect of certain petty Artisans' Work-shops in Travancore-Cochin).

Preamble. Whereas it is necessary to bring the petty Artisans' Workshops in this State under control, and regulate their working, and

Whereas it is desirable that the interests of the skilled artisans employed in the said workshops should be safeguorded,

It is hereby enacted as follows :—

CHAPTER I

PRELIMINARY.

1. *Short Title.* This Act may be called the Travancore-Cochin Artisans' Protection Act, of 1954.

2. *Extent.* It extends to the whole of Travancore-Cochin.

3. *Application.* It applies to all the petty Artisans' Workshops specified in Schedule 1.

4. *Commencement.* It shall come into force at once.

5. *Definitions.* In this Act, unless there is anything repugnant in the subject or context,—

(*a*) 'Adult' means a person who has completed his eighteenth year of age ;

(*b*) 'Child' means a person who has not completed his fifteenth year of age ;

(*c*) 'Guardian' includes any person having legal custody or control over a child ;

(*d*) 'Day' means a period of twenty-four hours beginning with midnight ;

(*e*) 'Week' means a period of seven days beginning at midnight on Saturday night, or such other night as may be opproved in writing by the Inspector of Factories ;

(*f*) 'Worker' means a person employed, whether for wages or not in any manufacturing process, or in cleaning any part of the machinery or premises used for a manufacturing process, incidental to or connected with the manufacturing process, or connected with the subject or the manufacturing process, but does not include any person solely employed in a clerical capacity in any room or place, where no manufacturing process is being carried on with or without the aid of power, or is ordinarily so carried on ;

(g) 'Manufacturing Process' means any process, whether or not carried out by human or mechanical agency, for making, altering, repairing, converting, ornamenting, finishing, packing, er otherwise treating or adapting any article or substauce, with a view to convert it or make it fit for use, sale, transport, delivery, or disposal er ornamentation;

(h) 'Artisan' includes blacksmiths, braziers, carpenters, coppersmiths, goldsmiths, sculptors, stone-masons, wood and ivory carvers, and other persons engaged in the Arts and Crafts of these persons;

(j) 'Artisan's Workshop' means any premises, wherein or within the precincts of which, not less than five or more workers are simultaneously employed on any one day of the year in any manufacturing process with or without the aid of power for the purpose of the hereditary trades in iron, steel, brass, bronze, bell-metal, copper, zinc, tin, aluminium, wood, ivory, stoue-masonry and carving, engineering, manufacture of small machinery tools, mounting of precious stones, gilding and electroplating, silver, nickel, gold and other metals, and for which skilled labour of artisans is employed, and includes all those specified in Schedule I;

(k) 'Occupier' of an Artisan's Workshop means the person who regulates and who has ultimate control over the affairs of the workshop, and where the said affairs are entrusted to a Managing Agent er a power-ef-attorney, such agent or attorney shall be deemed to be occupier of the workshop;

(l) 'Employed' means engaged substantively, temporarily or casually, either on daily wages or on monthly pay or on job or piece work system;

(m) 'Prescribed' means prescribed by rules made by the Government under this Act.

6. *Applicability of other labour laws.* The previsions of Indian Trade Unions Act, 1926, Indian Factories Act, 1948, Indian Industrial Disputes Act, 1947, Indian Payment ef Wages Act, 1936, Indian Minimum Wages Act, 1948, Indian Workmen's Compensation Act, 1923, and Travancore-Cochin Shops and Establishments Act, 1125, shall be applicable to the Artisans' Werkshops to the extent to which specific provisions are not made in that behalf in this Act.

7. *Certain Sections of Indian Penal Code not eperative.* Sectiens 491 and 405 of Indian Penal Code relating to breach of contract and breach of trust shall be in-operative so far as the workers in an Artisan's workshop are concerned.

CHAPTER II

INSPECTING STAFF.

8. *Enforcement of the Provisions.* The Commissioner of Labour, the Director of Industries, and the Inspector of Facteries shall take such steps as are necessary for regulating,

controlling and supervising the Artisan's Workshop, treating the workers therein as workers within the meaning of the Indian Factories Act, 1948, and for enforcing the provisions of this Act, and other labour laws made applicable under Section 6.

9. *Appointment of Inspectors of Artisans' Workshops.* The Government may appoint Inspectors of Artisans' Workshops for all or any purposes of this Act within such local limits as they may assign to them.

10. *Inspection of Workshops.* Subject to any rules framed by the Government in this behalf, and to the provisions in the Indian Factories Act, 1948, and the rules framed thereunder, an Inspector of Artisans' Workshops may—

(a) enter the premises of any Artisan's Workshop at any time during working hours,

(b) make such examination of the premises, machinery, and equipment, workers, and the registers required to be maintained under the different labour laws made applicable under Section 6, as he may deem necessary, for carrying out the purposes of this Act, and

(c) exercise such other powers, as may be necessary for carrying out the purposes of this Act.

11. *Certifying Surgeon.* (a) There shall be a certifying surgeon for each of the Artisans' Workshops, and he shall, at the request of any adult person desirous of being employed in a petty Artisan's Workshop, or the parent or guardian of such person, if he be a child, examine such person, and grant him a certificate of fitness and age, in the prescribed form for employment in an Artisans' Workshop.

(b) A certifying surgeon may revoke any certificate granted to any person under sub-section (a), if, in his opinion, the worker is subsequently found unfit for employment in an Artisans' Workshop.

12. *Unfit child to be discharged at the instance of Inspector.* Where an Inspector of Artisans' Workshops is of opinion that a child employed in an Artisan's Workshop is not fit for employment in such a workshop, he may serve on the occupier of the workshop a notice requiring that such child shall cease to be employed until he has been re-examined and certified fit by a certifying surgeon.

CHAPTER III

HEALTH, SAFETY AND WELFARE.

13. *Health.* Subject to the provisions regarding health, safety and welfare of workers under the Indian Factories Act, 1948, the following shall apply to every Artisan's Workshop in Travancore-Cochin State:—

(a) It shall be swept, disinfected and kept clean and tidy in order that better sanitary conditions may prevail;

(b) It shall not be so overcrowded, while work is being carried on therein, as to be dangerous or injurious to the health of the persons employed therein;

(c) It shall be well ventilated in such a manner as to render harmless any vapours or dust or gas or fumes or impurities injurious to the health generated in the course of the manufacturing process carried on therein, and shall be provided with sufficient light;

(d) It shall be provided with sufficient latrine accommodation, and spittoons for the workers employed therein; and

(e) It shall be provided with sufficient water for drinking and washing purposes of the workers therein.

14. *Safety.* (a) In the case of any Artisan's Workshop, which is not in the opinion of the Inspector of Artisan's Workshop so built, provided or equipped, as detailed in the foregoing Section, he may serve on the occupier of the workshop an order in writing specifying the measures which he considers necessary for making that Artisan's Workshop conform to the provisions in Section 13, or if he thinks that the place is entirely unfit to be used as a workshop, he may serve on the occupier of the workshop a written notice calling on him to shift the workshop to another place altogether.

(b) If the Inspector is of opinion that any Artisan's Workshop or any part thereof is in such a condition as to be dangerous to human life or safety, he may serve on the occupier of the workshop an order in writing specifying the measures which he considers necessary for removing the danger and requiring him to carry them out before such date, as he may specify therein.

(c) Whoever smokes or uses a naked light or causes or permits any naked light to be used in the vicinity of any inflammable material in a workshop shall be punishable with fine which may extend to one hundred rupees :

Provided that this provision shall not extend to the use in accordance with such precautions as may be prescribed of a naked light in the course of a manufacturing process.

15. *Welfare.* (a) In consonance with the provisions regarding welfare in the Indian Factories Act, 1948, in every Artisan's Workshop, wherein more than fifty workers are ordinarily employed, there shall be provided adequate facilities for sitting and recreation and also shelters, rest rooms and lunch rooms and canteen services for the use of the workers.

(b) The occupier of every Artisan's Workshop where more than fifty artisans are employed, shall appoint a welfare officer to look after the well-being of the workers.

(c) In every Artisan's Workshop there shall be taken precautions against fire, and provided facilities for first aid.

CHAPTER IV

Working Hours and Holidays.

16. *Hours of work.* Subject to the provisions of the Indian Factories Act, 1948.

(a) The occupier of any Artisan's Workshop shall fix specified hours for the employment of each worker employed in such Artisan's Workshop and no worker shall be employed except during such hours;

(b) no worker shall be employed in any Artisan's Workshop for more than forty-eight hours in any one week or more than nine hours in any one day;

(c) no Artisan's Workshop shall be kept open for more than eleven hours on any one day for any purpose whatsoever.

17. *Intervals for rest.* In every Artisan's Workshop (a) the periods of rest of adult workers on each day shall be so fixed that no period shall exceed five hours and no worker shall work for more than five hours before he had an interval for rest at least half an hour.

(b) The periods of rest for each child on any day shall be so fixed that he shall not work for more than three hours before he had an interval for rest at least half an hour.

18. *Holidays.* No worker shall be employed in any Artisan's Workshop on the first day of the week, *i. e.*, Sunday, unless he had or will have a holiday for a whole day on one of the three working days immediately preceding or succeeding the Sunday:

Provided that no such substitution shall be made as to result in any worker working for more than nine consecutive days without a holiday.

CHAPTER V

Employment of Women and Children.

19. *Employment of Women.* (a) No woman shall be allowed to work in an Artisan's Workshop except between 6 A. M. and 6 P. M.; and

(b) No woman shall be employed in any Artisan's Workshop unless there are at least three women simultaneously employed and working in that Artisan's Workshop.

20. *Employment of Children.* (a) No child shall be employed in any Artisan's Workshop, unless he is possessed of a certificate granted under Section 11 showing that he is not less than twelve years of age, and he is fit for employment in an Artisan's Workshop, and while at work he carries either the certificate itself or a token giving reference to that certificate.

(b) No child shall be employed in any Artisan's Workshop for more than five hours on any day;

(c) No kind of corporal punishment shall be inflicted on any child employed in any Artisan's Workshop for any kind of dereliction of duty, or even absence from work without leave; and

(d) No parent or guardian shall pledge his children's manual labour in payment of debt, and the provisions of Act No. II of 1933, of the Indian Legislature (Act prohibiting the pledging of the labour of children) are extended to those workshops also.

21. *Bar to the Employment of Children and others in more than one Workshop.* No occupier shall employ or permit to be employed in any Artisan's Workshop any child or any other person, whom he knows or he has reason to believe to have been employed on the same day in any other Artisan's Workshop or in any other organised workhouse of any description.

CHAPTER VI

NOTICES AND REGISTERS.

22. *Notice by occupier.* (1) Every occupier managing an Artisan's workshop at the commencement of this Act, shall within fifteen days after the coming into force of this Act, send to the Inspector of Artisan's Workshop a written notice containing :—

(a) the name and situation of the workshop;

(b) the name and address of the occupier and the address to which communication relating to the workshop to be sent;

(c) the nature of the manufacturing process carried on in the workshop;

(d) the name and address of the person who shall be deemed to be the occupier of the Artisan's workshop for the purposes of this Act;

(e) the number of workers that is being employed in the workshop; and

(f) such other particulars as may be prescribed :

Provided that no occupier of an Artisan's Workshop shall commence work after the commencement of this Act, without previously sending a written notice containing the above particulars to the Inspector of Artisans' Workshops.

(2) In respect of all Artisans' Workshops which are newly started after the commencement of this Act, the occupier shall,

at least fifteen days, before he begins to occupy or use any premises as an Artisan's workshop send to the Inspector of Artisans' Workshops a written notice containing the particulars specified in sub-section (1).

23. *Maintenance of Registers.* (1) In every Artisan's Workshop there shall be kept in the prescribed forms registers of Adult and child workers employed therein with their respective hours of work, and such other registers as are required to be maintained under the Indian Factories Act, 1948, Indian Payment of Wages Act, 1936, and under the Indian Minimum Wages Act, 1948.

(2) The Inspector of Artisans' Workshops shall inspect these registers, and verify the correctness of entries made therein at least once in three months.

24. *Notice of hours of work etc.* In every Artisan's Workshop there shall be affixed a notice, in the prescribed form, in some conspicuous place near the main entrance in Malayalam or in the language of the majority of the operatives, in that workshop, and containing the prescribed abstract of this Act, and of the rules framed thereunder, and the standing orders of that workshop upon the following matters:—

(a) the time of beginning and ending of work on each day;

(b) the periods of rest under Section 17; and

(c) the time of opening and closing of the Artisan's Workshop.

25. *Notice of certain Accidents.* (1) Where in any Artisan's Workshop an accident occurs which causes death or any bodily injury by reason of which the person injured is prevented from working for a period of forty-eight hours or more immediately following the accident, the occupier of the Artisan's Workshop shall send notice thereof within a week of occurrence of such accident to the District Magistrate of the area.

(2) Any claim for compensation arising out of such accident shall be dealt with in accordance with the provisions of Indian Workmen's Compensation Act, 1923.

CHAPTER VII

Minimum Wages and Payment thereof.

26. *Fixation of Basic Minimum Wages.* Subject to the provisions in Indian Minimum Wages Act, 1948, and Payment of Wages Act, 1936, and in partial modification thereof, there shall be paid at appropriate periods to the workers employed in an Artisan's Workshop the following amounts as the minimum basic daily wages in the case of daily wages earners, or aggregates thereof in the case of salaried persons, or integrated amounts thereof on a guaranteed time rate basis in the case of job or piece workers, in respect of the manufacturing processes in the following:—

Nature of trade.	*Basic Minimum Daily Wages.*
1. Iron 2. Steel	Rs. 2—8—0
3. Machinery tools and Engineering	4—8—0
4. Brass 5. Bronze 6. Bell metal 7. Copper 8. Zinc 9. Tin 10. Aluminium	3—8—0
11. Wood & Cabinet making	2—8—0
12. Ivory and Wood carving 13. Stone carving	3—8—0
14. Mounting of precious stones 15. Gilding and Electro-plating 16. Silver 17. Gold & other metals	3—8—0
18. Stone masonry	2—8—0

Provided that the wages, salary, or remuneration shall not be restricted to these amounts only, if the skill of the artisan, and the nature of the job are of a higher degree of efficiency and technique:

Provided further, where a worker works in an Artisan's Workshop for more than nine hours in any day or for more than forty-eight hours in a week he shall, in respect of the overtime work be entitled to wages, salary or remuneration at the rate of twice the ordinary rate.

27. *Remuneration to be paid to the new designs of workers.* There shall be paid to the workers adequate remuneration for any new design patent, or idea, that is put into use by the occupier for gainful purpose:

Provided that in case of any dispute regarding the adequateness of such remuneration, the matter shall be referred to a board of arbitrators agreed to both by the occupier and the worker, and their decision shall be final.

28. *Bar to illegal deduction.*—No occupier shall make any deductions from the wages, salary, or remuneration of a worker in an Artisan's Workshop, except in accordance with the provisions of the Payment of Wages Act, 1936, and for the purposes of Section 36 (g) for life insurance and provident fund.

CHAPTER VIII

OFFENCES AND PENALTIES.

29. *Penalties for violating provisions of this Act.*—If in any Artisan's Workshop :

(*a*) any person is employed or allowed to work contrary to the provisions of this Act ;

(*b*) any of the provisions in Section 13 are not complied with ;

(*c*) the written notice under Section 22 is not given to the Inspector of Artisan's Workshop ;

(d) the registers prescribed under Section 23 are not maintained or kept up-to-date ;

(*e*) any order of an Inspector of Artisan's Workshop is not complied with ;

(*f*) any of the provisions under Section 34 is not complied with ;

(*g*) any of the provisions of Section 26 is contravened ;

(*h*) any statistical return regarding the working of the Artisan's Workshop called by the Government or the Officers thereof is not furnished ;

(i) any form of corporal punishment or any other disciplinary measure of a reprehensible kind is inflicted on any child employed in an Artisan's Workshop, whether it be by the occupier himself, or by any agent or nominee or employee of the agent having control over the children employed in the workshop with the connivance or consent of the occupier for any purpose whatsoever ;

(*j*) an Inspector acting in the exercise of any of the powers conferred upon him by this Act or by the rules framed thereunder is wilfully obstructed from discharging his duties ;

(*k*) any of the registers and documents required to be kept under the provisions of this Act or the rules framed thereunder is not produced on demand by the Inspector of Artisan's Workshop for inspection ;

(*l*) any worker employed in any Artisan's Workshop is concealed, or prevented or attempted to be prevented from appearing before or for being examined by an Inspector of Artisan's Workshop ;

(*m*) a child who has not completed his 12th year is employed contrary to the provisions of this Act ;

(*n*) notice regarding accidents is not given as required under Section 25 ;

(*o*) any other act prohibited or proscribed by this Act or the rules made thereunder, is done or omitted to be done ;

the occupier shall, on conviction before a Magistrate, be liable for simple imprisonment not exceeding three months, or for a fine which may extend to five hundred rupees or both.

Explanation I.—If on any one day, a child below the age of 12 is found inside any room or part of an Artisan's Workshop, he shall be deemed to be employed in the said Workshop.

Explanation II.—Where an act or omission would, if a worker were under or over a certain age, be an offence punishable under this Act, and such person is in the opinion of the Court apparently under or over such age, it shall be on the accused to prove that such person is not under or over such age.

30. *Taking Cognisance of offence by Court.*—No Court shall take cognisance of any offence under this Act, or the rules made thereunder, unless the complaint thereof is made by the Inspector, or any other officer of the Government authorised in this behalf, within six months from the date on which the offence is alleged to have been committed:

Provided that, where the offence consists in the disobeyance of the written orders of the Inspector of the Artisan's Workshop the complaint may be made within twelve months from the date of occurrence of the alleged offence.

31. *Labour Commissioner's sanction necessary.*—No prosecution under this Act shall be instituted except with the previous sanction of the Labour Commissioner.

32. *First Class Magistrate to try offences under this Act.*—No Court inferior to that of a Magistrate of the 1st Class shall try any offence against this Act, or any rule, or order thereunder.

CHAPTER IX

MISCELLANEOUS.

33. *Leave with wages.*—The provisions of Sections 79, 80 and 81 of the Indian Factories Act, 1948, sholl apply to the workers employed in an Artisan's Workshop.

34. *Trade disputes.*—(1) If any dispute arises between the occupier of an Artisan's Workshop and the workers thereof regarding their rights, privileges, and liabilities, it shall be decided in accordance with the provisions of the Indian Industrial Disputes Act, 1947.

(2) The workers of an Artisan's Workshop may by themselves or in union with workers of the other similar Artisans, Workshops from trade unions, and the activities of such trade unions shall be subject to the provisions of the Indian Trade Unions Act, 1926.

(3) In trade disputes between the occupier and the workers of an Artisan's Workshop, the workers will be represented by the Union Office bearers.

35. *Government's Power to call for returns.*—The Government may, from time to time, make rules requiring occupiers of Artisans' Workshops to furnish such returns, occasional or periodical as may in its opinion be necessary for effectively carrying out the provisions of this Act.

36. *Rule-making power of Government.*—The Government may make rules for the purpose of carrying into effect the

provisions of this Act in particular, and without prejudice to the generality of the foregoing powers, such rules may provide for:—

(a) the inspection of the Artisans' Workshops and the manner in which the Inspector of Artisans' Workshops is to exercise the power conferred on him by this Act;

(b) the duties to be performed by certifying surgeon, the form of the certificate prescribed under Section 11 and the fee, if any, to be charged for such certificate;

(c) the standards of sanitary, health, safety and welfare conditions to be maintained in an Artisan's Workshop;

(d) the forms of notice prescribed under Section 22;

(e) an abstract of the Act, and the rules thereunder for purposes of Section 24;

(f) the manner of service of notice and orders upon occupiers of Artisans' Workshops;

(g) undertaking of liability of the workers by occupiers regarding life insurance and for starting a provident fund; and

(h) the forms of registers to be maintained under Section 23.

37. *Rules to have the same effect as Act.*—The rules framed under this Act, after previous publication, shall be published in the Gazette, and shall thereupon have the same effect, as if enacted in this Act.

38. *Bar to Suits.*—No suit, prosecution or other legal proceedings shall lie against any person for anything done or intended to be done in good faith under the provisions of this Act.

Schedule I

[*Vide* Sections 3 and 5 (J)]

List of Petty Artisans' Workshops to which this Act applies.

Artisan's Workshop means a workshop wherein a manufacturing process in:

(1) Iron
(2) Steel
(3) Machinery tools and Engineering appliances and castings
(4) Brass
(5) Bronze
(6) Bell-metals
(7) Copper
(8) Zinc
(9) Tin
(10) Aluminium
(11) Wood and Cabinet making
(12) Ivory, wood and other carving
(13) Stone carving
(14) Mounting of precious stones
(15) Gilding and Electroplating
(16) Silver
(17) Gold and other metals; and
(18) Stone masonry

is turned out.

STATEMENT OF OBJECTS AND REASONS.

The different Industries of the Artisans of Travancore-Cochin are not organised on factory basis; but they being village/cottage industries, are carried on either in the homes of the Artisans or in small establishments and petty workshops. As a result, none of the Labour laws and the benefits of the Trade Union Movement are now available to the skilled workers of the Artisans' Workshops. There are thousands of such workshops in Travancore-Cochin and more than 50,000 skilled artisan workers are estimated to be working in them. These skilled artisan workers are at the mercy of the ruinous exploitation of the occupiers of such workshops, and as a result they have been reduced to penury and misery. The object of this bill is to bring all such petty Artisans' Workshops within the provisions of the Indian Factories Act, 1948, and other labour laws, so that better conditions of work and the benefits conferred by the labour laws and other allied enactments might be ensured to the workers in these workshops for salvaging them from the ruinous exploitation of the occupiers and improving their economic and social conditions. Hence this bill to regulate the work of and the skilled labour in and to provide relief and safeguard measures in respect of Artisans' Workshops in Travancore-Cochin State, wherein not less than 5 skilled artisan workers are employed.

N. G. Chacko.

Financial Memorandum.

Section 9 of the Bill requires the Government to appoint Inspectors of Artisans' Workshops for inspection, supervision and enforcement of the provisions of this Act. The Labour, Factory Inspectors may be appointed as Inspectors of Artisans' Workshops also and no additional expenditure need be incurred when the Bill passes into law.

No additional expenditure is also to be incurred on account of Section 8 too.

N. G. Chacko.

Gazette No. 44 dated 8th November 1955.

PART II

NOTIFICATION

LA. 4-769/55. 19th October 1955.

The fellowing Bill was intreduced in the Travancore-Cochin Legislative Assembly on the 19th October 1955.

Legislature Secretariat, Trivandrum. V. KRISHNAMEORTHI, *Secretary, Legislative Assembly.*

THE TRAVANCORE-COCHIN PRIVATE SCHOOL TEACHERS' LOT IMPROVEMENT BILL.

A Bill to improve the lot of the teachers employed in the primary and secondary schools in the State run by private managements.

Preamble. Whereas it is necessary te improve the lot of the private teachers and to facilitate proper conduct of primary and secondary education ;

Be it enacted in the Sixth Year of the Republic of India as fellows : —

1. *Short title, extent and commencement.* (1) This Act may be called the Travancore-Cochin Private Scheol Teachers' Lot Imprevement Act, 1955 ;

(2) It extends to the whole of the State ef Travancore-Cochin ;

(3) It shall ceme into force at once.

2. *Definitions.* In this Act, unless the context otherwise requires—

(a) 'Primary Education' means education imparted to students in the primary schools in Classes I to V, regulated by the Education Code ;

(b) 'Secondary Education' means education in schools from Form I up to the School Final Class :

Provided that [this includes two stages, first the Middle School stage in Forms I to III and the second tha High School stage in Forms IV te VI.

(c) 'Private Management' means any agency authorised by Government to run any primary or secondary school under rules prescribed and regulated by the Education Code ;

(d) 'Education Code' means the code of rules and instructions prescribed for the proper conduct of education in schools ;

(e) 'Teacher' includes the Clerk who works in the school offices ;

(f) 'Privoto School' means any school imparting primary or seeondory edueotion the manogement of which vests in any private agoney.

3. *No-discrimination botween teachers.* Thero sholl be shown no diserimination in sehools between teachers working in Govornment schools and those belonging to the same eatogory who work in private schools.

4. *Samo sealo of pay otc.* The samo scale of pay, deornoss allowance and other amenitios shall be givon to teoehors working in tho Privote Primary sehools os in sehools run direetly by Government.

5. *Distinction in grado.* The same seole of poy, allowance and other amenities shall be given to teochers employed in Seeondary sehools:

Provided thot there may be reasonable distinction in grode between teochers who ore groduates ond the undergraduotes on the basis of their edueatlonal qualifications.

6. *Conditions of serviee.* Conditions of service in the Privoto sehools shall he the some as in Govornment schools.

7. *Disbursoment of salaries etc.* Salaries ond allowonees sholl be disbursed to toochers in Privote sehools directly by Govornment in the some manner as thoy aro dishursed omong the Governmont sehool toochers :

Providod thot any eontribution from the part of the monaging agency sholl be remittod to Governmont:

Provided further that there sholl not be ony reduction in the poy or allowonce given to the Privote school teachers on aceount of the non-remittoneo of part or whole of the omount ogreed to bo remittod by the managing ogeney.

8. *Past services.* Past serviees of teachers sholl he takon into consideration ond reosonoble weightoge allowed while revising their scale of pay.

9. *Recruitment eonditions.* Appointment of teachers in Private sehools shall bo mode ln the samo monner as in tho eose of Government sehool teaehors os por the Publie Serviee Regulations :

Provided thot tho appointment of all the teoehers now in employment in Private schools shall be confirmed from date of such oppointmont.

10. *Observance of eonditions.* The management shall satisfy every eondition required under the Code ond the fact that thore is absonco or Insufficiency of revenue by way of fee-eolleetion or any other means shall not bo o defenco agoinst non-eomplianeo of any sueh conditions.

11. *Government to take over administration of school.* If it is found that any managing agency has not complied with the required conditions or that it is incapable of executing its responsibilities, Government shall by notification in the Gazette take over the administration of the school and such school shall henceforth be classed among the Government schools:

Provided that the managements in such cases shall not have any right to claim compensation on account of such transfer of control.

12. *Right of forming Associations.* Teachers shall have the right to form and work organisations and get them registered under the Indian Trade Union Act, 1926.

13. *Government to call for opinions of teachers organisations.* Government shall call for the opinions of teachers expressed through their recognised organisations. on any or whole of the matters referred to in the Code which needs be amended, annulled or altered.

14. *Power to make rules.* Government may make rules to carry out generally the purposes of this Act and such rules shall have the force as if enacted under this Act.

STATEMENT OF OBJECTS AND REASONS.

The Private school teachers are placed in very deplorable conditions. The case of the Aided Primary school teacher is far below any decent standard. Though it is said that the principle 'same wage for the same work' will be followed in the case of teachers it has not been given effect hitherto. Teachers belonging to the same category having the same educational qualifications and doing the same work are not given the same scale of pay and dearness allowance and other amenities. This is grossly unjust. This discrimination ought to be removed. Hence this Bill. This bill also seeks to guarantee the right of association of teachers and to extent to them the benefits under the T. U. Act. It also gives the Government the right to assume control of schools which are not well-managed.

D. VIVEKANANDAN.

FINANCIAL MEMORANDUM.

Clauses (7) and (8) of the Bill may involve additional expenditure under the head of salaries and allowances of teachers. It may be roughly calculated that such excess expenditure may come to the tune of Rs. 15 lakhs.

D. VIVEKANANDAN.

Gazette No. 44 dated 8th November 1955.
PART II

NOTIFICATION.

LA. 4-1077/55 *19th October 1955.*

The following Bill was introduced in the Travancore-Cochin Legislative Assembly on the 19th October 1955.

Legislature Secretariat, Trivandrum.

V. KRISHNAMOORTHI, *Secretary, Legislative Assembly.*

THE TRAVANCORE-COCHIN PREVENTION OF EVICTION OF KUDIKIDAPPUKARS (AMENDMENT) BILL, 1955.

A BILL TO AMEND THE TRAVANCORE-COCHIN PREVENTION OF EVICTION OF KUDIKIDAPPUKARS ACT (ACT XIII) OF 1955.

Preamble. Whereas it is expedient to amend the Travancore-Cochin Prevention of eviction of Kudikidappukars Act of 1955 (Act XIII of 1955),

Be it enacted in the sixth year of the Republic of India as follows:—

1. *Short title and commencement.* (1) This Act may be called the Travancore-Cochin Prevention of eviction of Kudikidappukars (Amendment) Act, 1955.

(2) It shall come into force at once.

2. *Amendment of Sub-Section* (c) *of Section 2 of Act XIII of 1955.* For sub-section (c) of Section 2 of the Travancore-Cochin Prevention of eviction of Kudikidappukars Act (Act XIII) of 1955 hereinafter referred to as the said Act the following sub-section shall be substituted, namely :—

"Kudikidappukaran means a person who has no homestead or land of his own to erect a homestead and who has been permitted to have or has been having the use and occupation of land for the purpose of erecting a homestead without or with an obligation to pay rent for the occupation of the site so given or who has been permitted by an owner of land with homestead to have or has been having the use and occupation of the portion of the land with the homestead thereon for the purpose of residence without or with an obligation to pay an annual rent of Rs. 60 or less for the use and occupation of the site with the homestead so given together with the house, hut or shed thereon and the Kudiyiruppu means the site with the house so given which is used as a place of residence by the Kudikidappukaran with as much of land, easements and other rights appurtenant thereto as is reasonably required for the convenient enjoyment of the same."

3. *Amendment of Section 7 of Act XIII of 1955.* After sub-sectien (2) ef Section 7 of Travancore-Cochin Prevention ef Evtction of Kudtkidappukars Act (Act XIII) of 1955 add as sub-section 3 and 4 the follewing namely :—

Sub-sectien (3) If an owner of land er land with homestead thereen terminated or causes to be terminated or attempts to terminate the rights ef a Kudikidappukaran to his kudiyirippu in contravention ef sub-section (1) he shall be guilty of an offence punishable with fine er with imprisonment which may extend to six menths or with beth.

(4) Any offence under sub-sectien (3) shall be cognisable and bailable.

4. *Amendment of Séction 12 ef Act XIII ef 1955.* Omit sub-sections (1) and (2) together with the heading of section 12 ef Travancere-Cochin Prevention of eviction of Kudikidappukars Act (Act XIII) of 1955.

Statement of Objects and Reasons.

The definition el a "Kudikidappukaran" in sub-section (c) of Section 2 of the Travancore-Cochin Prevention ef eviction ol Kudikidappukars (Act XIII) Act of 1955 leaves out a large section of the ebsolutely hemeless and landless peeple using and occupying lands with homestead thereon belonging te landlords without or with an obligation to pay an annual rent ef Rs. 60 er less. It is necessary to extend permanent right of occupancy te those sections as they were enjoying similar protection in the Cechin area before the commencement of Act XIII of 1955. Hence the above emendment to sub-section (c) ef section 2 of the Travancore-Cochin Prevention of eviction of Kudikidappukars Act ef 1955.

Section 7 sub-section (1) ef Act XIII ol 1955 prevides that no Kudikidappukaran shall be evicted frem his Kudiyirippu except in execution of a decree for eviction which may be passed against him. This provision alone has proved ineffective to prevent forcible evictions by owners in the past. A wave ol forcible evictions were being let leose against the absolutely landless and homeless kudikidappukars even after the commencement of the Travancore Prevention of Eviction Act ol 1124 and Travancere-Cochin Prevention of Eviction of Kudikidappukars Act (Act XIII) el 1955. Se it is considered necessary te add two sub-sections as (3) and (4) after sub-section (2) of Section 7 ol the Act XIII of 1955 declaring specifically any disturbance of Kudikidappukaran's right of permanent occupancy a cognisable effence.

Section 12 of Travancore-Cochin Preventien ef evictien ef Kudikidappukars Act (Act XIII) el 1955 prevides for the registration ef Kudikideppukars and a very cumbersome process is prescribed for the registratien of Kudikidappukars by the rules

made by the Government. Dispensation of social justice should be ready and cheap. The Registration as envisaged by the rules to the Act XIII of 1955 makes the permanent rights of occupancy given to Kudikidappukars unreal. The omission of Section 12 will not adversely affect Kudikidappukars as the absence of such a provision was never felt in the Cochin area in the past. The existence of Section 12 of Act XIII of 1955 is felt as a positive impediment to vest permanent right of occupancy of Kudikidappukars. Hence it is considered necessary that the entire section 12 of Act XIII be omitted.

P. R. Madhavan Pillai.